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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,878	09/29/2003	David Currie	067811-0306155 SCN-001 (C)	9211
27498 7590 10/11/2007 PILLSBURY WINTHROP SHAW PITTMAN LLP P.O. BOX 10500 MCLEAN, VA 22102			EXAMINER PALIWAL, YOGESH	
			ART UNIT	PAPER NUMBER
			2135	
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			10/11/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/674,878		CURRIE ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Yogesh Paliwal		2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,2,9,21,22 and 27-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,9,21,22 and 27-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 7/30/2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

- Applicant's amendment filed on July 30, 2007 has been entered. Applicant has amended claims 1, 2, 9, 21, 22, canceled claims 3-8, 10-20 and 23-26 and added new claims 27-30. Currently Claims 1, 2, 9, 21, 22, 27, 28, 29 and 30 are pending in this application.
- Examiner acknowledges receiving a replacement sheets for drawings (Figures 4-7) with a revised Figures 4-7. The drawings were received on 07/30/2007. These drawings are acceptable. As a result, drawing objection is withdrawn.
- Claim objection on claim 5 is withdrawn because applicant has canceled the claim, rendering the objection moot.

### ***Claim Objections***

1. Claims 1 and 21, are objected to because of the following informalities:

Regarding Claims 1 and 21, amended claims recite various new limitations including "the web page object to be rendered and displayed...a verification service that hosts the web page object...wherein the visitor is not required...wherein the verification service causes the contents of the web page object to be automatically rendered and displayed in accordance with its prior determination... in a second verification operation prior to the visitor's access request..., it causes the web page object to have different second contents..., wherein the first and second verification operations to determine the on-line service's security status..., wherein when the verification service causes the web

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page object to have...appears invisible to the visitor after it is rendered by the visitor's browser." are not clearly defined/supported in the original disclosure.

Applicant is required to point out where these amended claim limitations are in the original disclosure and please note that no new matter should be added in the ordinal disclosure in addressing the claim objections.

Any claim not specifically addressed, above, is being objected as incorporating the deficiencies of a claim upon which it depends.

### ***Double Patenting***

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1, 2, 9, 21, 27, 28, 29 and 30 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 2,

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9, 39 and 40 of copending Application No. 10/113875 in view of Khaishgi et al. (US 6,658,394 B1), hereinafter Khaishgi.

Regarding **Claims 1**, the only difference between claim 1 of the '875 patent application and claim 1 of the '875 patent application is that the pending application '875 has an additional limitation of "wherein when the verification service cause the web page object to have at least one of the first and second contents, the web page object appears invisible to the visitor after it is rendered by the visitor's browser". However, Khaishgi discloses this additional limitation (at Column 4, lines 54-57, "In one configuration, seal issuer 8 generated a media object having a transparent image when the corresponding merchant 4 loses its certification status, In this manner, the seal "disappears" from the merchant web site"). Therefore, it would have been obvious at the time the invention was made to one of ordinary skill in the art to modify claim 1 of '855 to have the web page object appear invisible to the visitor so that "the seal "disappears" from the merchant web site" (Khaishgi, Column 4, lines 54-57). This act illustrate that the seal is no more verified or the merchant failed to verify itself during re-verification process.

Claim 21 has identical limitation of claim 1 with the different statutory category (method steps). Therefore, it is also rejected under same rationale.

Claims 2 and 27, are identical in scope to claim 2 of '875.

Claims 9 and 28, are identical in scope to claim 9 of '875.

Claim 29 is identical in scope to claim 39 (with just a different statutory category).

Claim 30 is identical in scope to claim 30 (with just a different statutory category).

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The mapping of the rejected claims in the present application to the copending application is follows:

Present Application (10/674878)	Co-Pending Application (10/113875)
1	1
2	2
9	9
21	1
27	2
28	9
29	39
30	40

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent; published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent

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granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Khaishgi et al. (US 6,658,394 B1), hereinafter Khaishgi.

Regarding **Claims 1 and 21** Khaishgi discloses an apparatus and corresponding method for providing a security status of an on-line service, comprising:

a web page object (**Column 1, lines 26-28, "electronic seals"**) that is automatically rendered by a browser when a visitor uses the browser (**Fig. 5, Numerals 52, 54, 56, and 58, and at Column 2, lines 34-44, "browser"**) to access one or more web pages of the on-line service (**Fig. 1, Numeral 4, "Merchant"**) via a public network (**Fig. 1, Numeral 12, "Network"**); and

a verification service (**Fig. 2, Numeral 8, "Certification Service"**) that hosts the web page object (**Fig. 2, Numeral 22, "Seal Servers"**) separately from the one or more web pages of the on-line service (**Fig. 2, Numeral 4, Merchant's server(s) numeral 4 are separate from the "Seal servers 22" of "Certification Service", also refer to Column 3, lines 14-25**), and further controls contents of the web page object (**Column 3, lines 26-42**),

wherein the visitor is not required to take any action other than requesting access to the on-line service via the browser to receive the security status (**Column 2, lines 66-67 and Column 3, lines 1-2, "Merchants 4 post their corresponding electronic seals on their web sites or in electronic mail messages (emails) in order to**

**increase the confidence of potential customers”**, *Note: Since web-page of the merchant contains the link of the seal, the seal is generated and displayed on the web-page when client generates a request for a web-page from a merchant, client will only need to take further action (i.e. click on the seal) if client want “more information” about the seal and merchant, refer to Column 3,line 14-25) , and*

wherein the verification service causes the contents of the web page object to be automatically rendered and display in accordance with its prior determination of a level of the security status (**Column 4, lines 60-67 and Column 5, lines 1-7, “When user 6 accesses a merchant 4, client device 10 is directed to retrieve a seal from seal servers 22. More specifically, seal servers 22 receive a request from computing device 10 that includes a unique identifier for one of the merchants and, therefore, uniquely identifies one of the media objects within seal repository 25 (step 52). Seal servers 22 log the request by storing the IP address within request log 24 (step 54) and select the appropriate media object according to the unique identifier (step 56). ”**), such that when the verification service determines, in a first verification operation prior to the visitor’s access request, that the on-line service has a first level of the security status, it causes the web page object to have first contents (**Column 4, lines 60-67 and Column 5, lines 1-7, Seal server provide the electronic seal corresponding to the merchant to the client**), and when the verification service determines, in a second verification operation prior to the visitor’s access request, that the on-line service has a different second level of the security status (**Column 4, lines 49-52, “Next, seal maintenance modules 27 periodically regenerate the media**



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**objects in order to update the embedded information including the expiration date (Step 48)."**) , it causes the web page object to have different security status levels via the browser's automatic rendering of the prior-determined web page object contents when the visitor requests access to the on-line service (**Column 4, lines 52-54, "For example, a new set of media object can be generated daily in order to facilitate detection of expired seals"**), and

wherein the first and second verification operations to determine the on-line service's security status and control the contents of the web page object are performed by the verification service prior to and completely independently from the visitor's request to access the on-line service, and independently from any action by the visitor and visitor's browser (**Column 4, lines 28-57, Note: Both the seal generation and maintenance are done by certification service and these steps are done completely independently from the visitor's request to access the on-line service, i.e. visitor's request to access the on-line service does not trigger initial seal request operation from merchant (fig.3) or the maintenance which can be done daily**) , and

wherein when the verification service causes the web page object to have at least one of the first and second contents, the web page object appears invisible to the visitor after it is rendered by the visitor's browser (**Column 4, lines 54-57, "In one configuration, seal issuer 8 generated a media object having a transparent image when the corresponding merchant 4 loses its certification status, In this manner, the seal "disappears" from the merchant web site"**).

Regarding **Claim 22**, the rejection of claim 21 is incorporated and Khaishgi further discloses wherein at least one of the first and second verification operations includes scanning the on-line service from a remote address on the network (**Fig. 2, Numeral 8, and 4, Verification of Merchant 4 is done from the Certification Server which includes Theft Detection Modules 28, Certification Service 8 can be seen remotely located from Merchant 4).**

Regarding **Claim 29**, the rejection of claim 21 is incorporated and Khaishgi further discloses the web page object comprises an image and an associated URL (**Column 3, lines 28-31, "Each media object contains media, such as image data, video data, and audio data, that merchant 4 presents as an electronic seal of certification." and also at Column 3, lines 58-67, URL for the seal).**

Regarding **Claim 30**, the rejection of claim 21 is incorporated and Khaishgi further discloses the web page object comprises a graphical file whose contents are periodically updated in accordance with a periodically determined security status level ((**Column 3, lines 28-31, "Each media object contains media, such as image data, video data, and audio data, that merchant 4 presents as an electronic seal of certification." and at Column 4, lines 49-57, "Next, seal maintenance modules 27 periodically regenerate the media objects in order to update the embedded information including the expiration date (step 48). For example, a new set of**

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**media objects can be generated daily in order to facilitate detection of expired seals.”)**

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 9, 27, 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Khaishgi in view of Pham et al. (US 2003/0097591 A1), hereinafter Pham.

Regarding **Claims 2 and 27**, rejections of claims 1 and 21 are incorporated and Khaishgi further discloses wherein the on-line service comprises devices and services **(Fig. 1, Numeral 4, representing web-servers of Merchant 4)** and verification service determines the security status level of the on-line service **(Column 2, lines 44-46, “Seal issuer 8 verifies the credentials, policies or business practices of each Merchant 4 and issues a corresponding seal of certification to each merchant 4 upon verification.”)**. Even though Khaishgi discloses verification service determining the security status level of the on-line service by verifying the credentials, policies or business practices of each on-line service i.e. Merchant, however Khaishgi failed to disclose that the verification service determines the security status level of the on-line

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service by evaluating a vulnerability scan of the devices and services comprising the on-line service.

However, determining the security status level of the on-line service by evaluating a vulnerability scan of the devices and services of the on-line service is well known in the art of network security. Pham, in the same field of endeavor of network security discloses determining the security status level of the on-line service by evaluating a vulnerability scan of the devices and services of the on-line service (**Fig. 3**).

Therefore, it would have been obvious at the time the invention was made to one of ordinary skill in the art to include in the Certification Service of Khaishgi, a vulnerability scanner as taught by Pham to protect *"computer users from Web sites hosting computer viruses and for protecting Web hosting systems from hosting Web pages that contains links to computer viruses"* (Pham, Paragraph 0005).

Regarding **Claims 9 and 28**, rejections of claims 2 and 27 are incorporated and the combination of Khaishgi and Pham further discloses verification service periodically receives result of a new vulnerability scan of the devices and services comprising the on-line service and causes the contents of the web page object to be changed if a changed security status level is determined, thereby automatically providing the visitor with an updated security status (Pham, Paragraph 0042, **"This provides the capability to monitor the progress of the Web crawler to ensure that all pending links are scanned, as well as providing the capability to periodically update scans**

of sites that have already been scanned.” and Khaishgi, Column 4, lines 49-57, “Next, seal maintenance modules 27 periodically regenerate the media objects in order to update the embedded information including the expiration date (step 48). For example, a new set of media objects can be generated daily in order to facilitate detection of expired seals.”)

### ***Response to Amendment***

5. Applicant has amended independent claims 1 and 21, which necessitated new grounds of rejection. See rejection above.

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

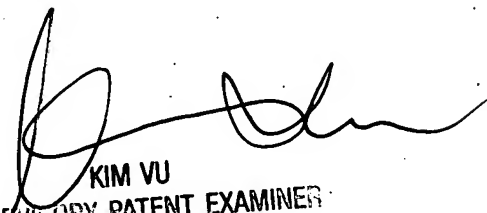
the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh Paliwal whose telephone number is (571) 270-1807. The examiner can normally be reached on M-F: 7:30 AM - 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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